

105TH CONGRESS
1ST SESSION

S. 274

To establish a Northern Border States-Canada Trade Council, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 5, 1997

Ms. SNOWE introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To establish a Northern Border States-Canada Trade Council, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Northern Border
5 States Council Act”.

6 **SEC. 2. ESTABLISHMENT OF COUNCIL.**

7 (a) ESTABLISHMENT.—There is established a council
8 to be known as the Northern Border States-Canada Trade
9 Council (hereafter in this Act referred to as the “Coun-
10 cil”).

1 (b) MEMBERSHIP.—

2 (1) COMPOSITION.—The Council shall be com-
3 posed of 24 members consisting of 2 members from
4 each of the following States:

5 (A) Maine.

6 (B) New Hampshire.

7 (C) Vermont.

8 (D) New York.

9 (E) Michigan.

10 (F) Minnesota.

11 (G) Wisconsin.

12 (H) North Dakota.

13 (I) Montana.

14 (J) Idaho.

15 (K) Washington.

16 (L) Alaska.

17 (2) APPOINTMENT BY STATE GOVERNORS.—Not
18 later than 6 months after the date of the enactment
19 of this Act, the Secretary of Commerce (hereafter in
20 this Act referred to as the “Secretary”) shall ap-
21 point two members from each of the States de-
22 scribed in paragraph (1) to serve on the Council.
23 The appointments shall be made from a list of nomi-
24 nees submitted by the Governor of each such State.

1 (c) PERIOD OF APPOINTMENT; VACANCIES.—Mem-
 2 bers shall be appointed for terms that are coterminous
 3 with the term of the Governor of the State who nominated
 4 the member. Any vacancy in the Council shall not affect
 5 its powers, but shall be filled in the same manner as the
 6 original appointment.

7 (d) INITIAL MEETING.—Not later than 30 days after
 8 the date on which all members of the Council have been
 9 appointed, the Council shall hold its first meeting.

10 (e) MEETINGS.—The Council shall meet at the call
 11 of the Chairperson.

12 (f) QUORUM.—A majority of the members of the
 13 Council shall constitute a quorum, but a lesser number
 14 of members may hold hearings.

15 (g) CHAIRPERSON AND VICE CHAIRPERSON.—The
 16 Council shall select a Chairperson and Vice Chairperson
 17 from among its members. The Chairperson and Vice
 18 Chairperson shall each serve in their respective positions
 19 for a period of 2 years, unless such member's term is ter-
 20 minated before the end of the 2-year period.

21 **SEC. 3. DUTIES OF THE COUNCIL.**

22 (a) IN GENERAL.—The duties and responsibilities of
 23 the Council shall include—

24 (1) advising the President, the Congress, the
 25 United States Trade Representative, the Secretary,

1 and other appropriate Federal and State officials,
2 with respect to—

3 (A) the development and administration of
4 United States-Canada trade policies, practices,
5 and relations,

6 (B) taxation and regulation of cross-border
7 wholesale and retail trade in goods and services
8 between the United States and Canada,

9 (C) taxation, regulation, and subsidization
10 of agricultural products, energy products, and
11 forest products, and

12 (D) the potential for any United States or
13 Canadian customs or immigration law or policy
14 to result in a barrier to trade between the Unit-
15 ed States and Canada,

16 (2) monitoring the nature and cause of trade is-
17 sues and disputes that involve one of the Council-
18 member States and either the Canadian Government
19 or one of the provincial governments of Canada; and

20 (3) if the Council determines that a Council-
21 member State is involved in a trade issue or dispute
22 with the Government of Canada or one of the pro-
23 vincial governments of Canada, making rec-
24 ommendations to the President, the Congress, the

1 United States Trade Representative, and the Sec-
 2 retary concerning how to resolve the issue or dis-
 3 pute.

4 (b) RESPONSE TO REQUESTS BY CERTAIN PEO-
 5 PLE.—

6 (1) IN GENERAL.—Upon the request of the
 7 United States Trade Representative, the Secretary,
 8 a Member of Congress who represents a Council-
 9 member State, or the Governor of a Council-member
 10 State, the Council shall review and comment on—

11 (A) reports of the Federal Government and
 12 reports of a Council-member State government
 13 concerning United States-Canada trade,

14 (B) reports of a binational panel or review
 15 established pursuant to chapter 19 of the North
 16 American Free Trade Agreement concerning
 17 the settlement of a dispute between the United
 18 States and Canada,

19 (C) reports of an arbitral panel established
 20 pursuant to chapter 20 of the North American
 21 Free Trade Agreement concerning the settle-
 22 ment of a dispute between the United States
 23 and Canada, and

24 (D) reports of a panel or Appellate Body
 25 established pursuant to the General Agreement

1 on Tariffs and Trade concerning the settlement
2 of a dispute between the United States and
3 Canada.

4 (2) DETERMINATION OF SCOPE.—Among other
5 issues, the Council shall determine whether a trade
6 dispute between the United States and Canada is
7 the result of action or inaction on the part of the
8 Federal Government of Canada or a provincial gov-
9 ernment of Canada.

10 (c) COUNCIL-MEMBER STATE.—For purposes of this
11 section, the term “Council-member State” means a State
12 described in section 2(b)(1) which is represented on the
13 Council established under section 2(a).

14 **SEC. 4. REPORT TO CONGRESS.**

15 Not later than 2 years after the date of the enact-
16 ment of this Act and at the end of each 2-year period
17 thereafter, the Council shall submit a report to the Presi-
18 dent and the Congress which contains a detailed statement
19 of the findings, conclusions, and recommendations of the
20 Council.

21 **SEC. 5. POWERS OF THE COUNCIL.**

22 (a) HEARINGS.—The Council may hold such hear-
23 ings, sit and act at such times and places, take such testi-
24 mony, and receive such evidence as the Council considers
25 advisable to carry out the provisions of this Act. Notice

1 of Council hearings shall be published in the Federal Reg-
 2 ister in a timely manner.

3 (b) INFORMATION FROM FEDERAL AGENCIES.—The
 4 Council may secure directly from any Federal department
 5 or agency such information as the Council considers nec-
 6 essary to carry out the provisions of this Act. Upon the
 7 request of the Chairperson of the Council, the head of such
 8 department or agency shall furnish such information to
 9 the Council.

10 (c) POSTAL SERVICES.—The Council may use the
 11 United States mails in the same manner and under the
 12 same conditions as other departments and agencies of the
 13 Federal Government.

14 (d) GIFTS.—The Council may accept, use, and dis-
 15 pose of gifts or donations of services or property.

16 **SEC. 6. COUNCIL PERSONNEL MATTERS.**

17 (a) MEMBERS TO SERVE WITHOUT COMPENSA-
 18 TION.—Except as provided in subsection (b), members of
 19 the Council shall receive no compensation, allowances, or
 20 benefits by reason of service to the Council.

21 (b) TRAVEL EXPENSES.—The members of the Coun-
 22 cil shall be allowed travel expenses, including per diem in
 23 lieu of subsistence, at rates authorized for employees of
 24 agencies under subchapter I of chapter 57 of title 5, Unit-
 25 ed States Code, while away from their homes or regular

1 places of business in the performance of services for the
2 Council.

3 (c) STAFF.—

4 (1) IN GENERAL.—The Chairperson of the
5 Council may, without regard to the civil service laws,
6 appoint and terminate an executive director and
7 such other additional personnel as may be necessary
8 to enable the Council to perform its duties. The em-
9 ployment of an executive director shall be subject to
10 confirmation by the Council and the Secretary.

11 (2) COMPENSATION.—The Chairperson of the
12 Council may fix the compensation of the executive
13 director and other personnel without regard to the
14 provisions of chapter 51 and subchapter III of chap-
15 ter 53 of title 5, United States Code, relating to
16 classification of positions and General Schedule pay
17 rates, except that the rate of pay for the executive
18 director and other personnel may not exceed the rate
19 payable for level V of the Executive Schedule under
20 section 5316 of such title.

21 (d) DETAIL OF GOVERNMENT EMPLOYEES.—Any
22 Federal Government employee may be detailed to the
23 Council without reimbursement, and such detail shall be
24 without interruption or loss of civil service status or privi-
25 lege.

1 (e) **PROCUREMENT OF TEMPORARY AND INTERMIT-**
 2 **TENT SERVICES.**—The Chairperson of the Council may
 3 procure temporary and intermittent services under section
 4 3109(b) of title 5, United States Code, at rates for individ-
 5 uals which do not exceed the daily equivalent of the annual
 6 rate of basic pay prescribed for level V of the Executive
 7 Schedule under section 5316 of such title.

8 (f) **OFFICE SPACE.**—The Secretary shall provide of-
 9 fice space for Council activities and for Council personnel.

10 **SEC. 7. TERMINATION OF THE COUNCIL.**

11 The Council shall terminate on the date that is 54
 12 months after the date of the enactment of this Act and
 13 shall submit a final report to the President and the Con-
 14 gress under section 4 at least 90 days before such termi-
 15 nation.

16 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

17 (a) **IN GENERAL.**—There are authorized to be appro-
 18 priated from amounts made available by appropriations to
 19 the Department of Commerce an amount not to exceed
 20 \$250,000 for fiscal year 1996 and for each fiscal year
 21 thereafter to the Council to carry out the provisions of
 22 this Act.

1 (b) AVAILABILITY.—Any sums appropriated under
2 the authorization contained in this section shall remain
3 available, without fiscal year limitation, until expended.

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